



Rich Mattern, Mayor

The West Fargo City Commission met on Monday, September 19, 2011, at 5:30 P.M. Those present were Rich Mattern, Lou Bennett, Mark Simmons, Mike Thorstad and Duane Hanson. The meeting was called to order by Rich Mattern, President of the Board.

The Pledge of Allegiance was recited.

Commissioner Mattern stated that a request for "Temporary Approval for Scrap Metal Loading on Lenthe Property" is to be added to Non-Agenda. Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Order of Agenda with the addition as noted. No opposition. Motion carried.

Commissioner Bennett moved and Commissioner Simmons seconded to approve the Minutes of September 6, 2011. No opposition. Motion carried.

The Commission reviewed Building Permits # 380 - 405 along with the Building Department Activity Report dated September 19, 2011.

Commissioner Mattern thanked City Staff and all volunteers for helping to make West Fest a big success.

The Auditor's Reports for August 2011 were received by the Commission.

The Sanitation Department Report for August 2011 was received by the Commission.

Commissioner Bennett moved and Commissioner Hanson seconded to approve the following items on the Consent Agenda:

Bills

Request for license to serve alcohol outside of Border Town Bar & Grill on September 24, 2011

Public Hearing October 3, 2011 at 5:45 PM for Rezoning of North Pond at the Preserve 1st Addition from Agricultural to Light Commercial

Public Hearing October 3, 2011 at 5:45 PM for Rezoning of Henning First Addition from Agricultural to Rural Estate District

Gaming Site Authorization: NDSU Ducks Unlimited at Speedway Restaurant and Event Center

Sewer, Water, Storm & Street Improvement District No. 1233 - 5th Street West (29th Avenue to 32nd Avenue): Create Assessment District and authorize Engineer to prepare Engineer's Report

Appointment of Tina Gustafson as Finance Director

No opposition. Motion carried.

Justin Pearson, Vice President of Greater Fargo Moorhead Economic Development Corporation, appeared before the Commission on the request for support of a joint application for State Small Business Credit Initiative with the City of Mandan. After discussion, Commissioner Bennett moved and Commissioner Thorstad seconded to approve the GFMEDC request for support for joint application for State Small Business Credit Initiative. No opposition. Motion carried.

Senior Planner Steven Zimmer appeared before the Commission on the addressing of Prairie Parkway and stated that property owners were not in favor of address changes. He also advised that Staff is recommending to leave the addresses as they are until it is necessary to change them at a later date.

City Assessor Wanda Wilcox appeared before the Commission on the request from Caterpillar Remanufacturing Drivetrain LLC for a 15 year PILOT (Payment in Lieu of Taxes) for their facility expansion at 1262 Main Avenue West and advised that the Economic Development Advisory Committee recommended a 15 year PILOT with 10 years at 100% followed by a graduated five year payment at 20% intervals. A public hearing was held. There was no public comment. After discussion, Commissioner Simmons moved and Commissioner Hanson seconded to grant the 15 year PILOT on this project as recommended by the West Fargo Economic Development Advisory Committee. No opposition. Motion carried.

The City Commission was adjourned at this time and convened as the Board of Adjustments.

Planning Director Larry Weil appeared before the Commission on the request from Brenco/Visto for a variance to reduce front yard setbacks for a parking lot from 10 feet to zero at 1175 and 1193 East Main Avenue and advised that the Planning & Zoning Commission recommended approval based on the Staff recommendations. City Attorney Brian Neugebauer also appeared before the Commission. After discussion, Commissioner Bennett moved and Commissioner Simmons seconded to approve the variance request on the basis that the original purpose for the subdivision setback standard is no longer appropriate with the reconstruction of Main Avenue and elimination of the frontage road. No opposition. Motion carried

The Board of Adjustments was adjourned and the City Commission reconvened.

Planning Director Larry Weil appeared before the Commission on Geller's 3rd Addition, a replat, and advised that the Planning & Zoning Commission recommended approval subject to the three conditions in the Staff Report. Commissioner Hanson moved and Commissioner Thorstad seconded to approve the Final Plat subject to all conditions listed in the Staff Report. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on a request for a Planned Unit Development Amendment for a twin home development on lots 3-8, Block 1 of Burlington 4th Addition and advised that the Planning & Zoning Commission recommended approval based on the Staff recommendations. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded to approve the Planned Unit Development Amendment as recommended by Staff. No opposition. Motion carried.

City Auditor James Brownlee appeared before the Commission on the 2012 Budget for the City of West Fargo showing no mill levy increase with a total of 91.25 mills. A public hearing regarding the 2012 Budget was held. There was no public comment and the hearing was closed. Commissioner Bennett moved and Commissioner Hanson seconded to adopt the 2012 Budget with expenditures of \$32,191,924 and to set the annual levy for 2011 at \$7,040,476. No opposition. Motion carried.

General Fund	\$8,597,736
Sanitation Fund	2,043,200
Sewer Water Funds	4,606,840
Library	732,023
Airport	139,246
Debt Service	13,143,065
Capital Improvements	500,000
Special Revenue Funds	<u>2,429,814</u>
	\$32,191,924

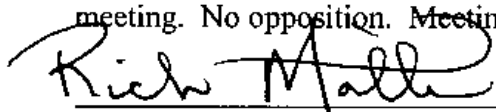
City Engineer Kevin Bucholz appeared before the Commission on Storm Sewer Improvement Districts No. 4044-Phase II, 4046 and 4047 (Regional Lift Stations for Sections 19, 29 and 20). Commissioner Hanson moved and Commissioner Bennett seconded to award the contract for Storm Sewer Improvement Districts No. 4044-Phase II, 4046 and 4047 to John T. Jones Construction for Total General Construction and Mechanical Construction for their bid amount of \$9,416,694.52 and JDP Electric Inc. for Electrical Construction for their bid amount of \$789,668.00. No opposition. Motion carried.

Planning Director Larry Weil appeared before the Commission on the request from Dirk Lenthe for temporary approval for scrap metal loading onto rail on the Lenthe property with the understanding that he will proceed at his own risk through the review process. Dirk Lenthe also appeared before the Commission. After discussion, Commissioner Simmons moved and Commissioner Thorstad seconded to grant a 60 day temporary approval for scrap metal loading during the rezoning process with the condition there will be no dumping between 8PM and 8AM. No opposition. Motion carried.

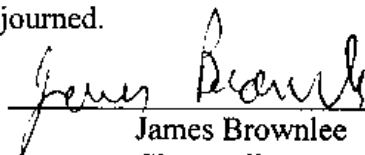
City Engineer Kevin Bucholz reviewed the nuisance with Glass Advantage stating that City Attorney Brian Neugebauer sent a Letter of Notice to Glass Advantage. Bucholz also advised that Hugh Sobolik of Glass Advantage stated they are starting a system to review the bagging process, but did not state they had a plan of action to eliminate the nuisance. City Engineer Kevin Bucholz recommended that the City continue with the nuisance complaint process. City Attorney Brian Neugebauer also appeared before the Commission stating that the matter could be turned over to the City Prosecutor for prosecution and City Attorney to take Court action to get an injunction. City Engineer Kevin Bucholz also stated that Public Health Officer Grant Larson had contacted the State and they will not help with the testing of the dust. After discussion, Commissioner Simmons moved and Commissioner Bennett seconded that the City take the nuisance to the next step in the ordinance to forward to the City Prosecutor and City Attorney for criminal prosecution and court action. No opposition. Motion carried.

City Engineer Kevin Bucholz provided the Commissioners with a letter of September 12, 2011 from the ND Department of Transportation regarding the Main Avenue Access Issue.

Commissioner Bennett moved and Commissioner Simmons seconded to adjourn the meeting. No opposition. Meeting was adjourned.



Rich Mattern
President of the Board



James Brownlee
City Auditor